


CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) Applicant(s): STEVEN TISCHER			Docket No. 030514 (BLL-0143)	
Application No. 10/777,358	Filing Date February 12, 2004	Examiner Allen, William J.	Group Art Unit 3625	
Invention: SYSTEMS, METHODS, AND A STORAGE MEDIUM FOR OBTAINING AN OFFER FOR A SALE OF A PRODUCT OR A SERVICE				
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APPLICANT:	STEVEN TISCHER)	
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SERIAL NO.:	10/777,358)	ART UNIT
)	3625
FILED:	February 12, 2004)	
)	EXAMINER:
FOR:	SYSTEMS, METHODS, AND A STORAGE)	Allen, William J.
	MEDIUM FOR OBTAINING AN OFFER)	
	FOR A SALE OF A PRODUCT OR A)	
	SERVICE)	

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REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

In response to the Final Office Action mailed April 27, 2006, and in conjunction with the concurrently filed Notice of Appeal, Applicant requests a pre-Appeal conference in view of the following remarks.

REMARKS

In response to the final Office Action dated April 27, 2006, Applicant respectfully requests reconsideration based on the following remarks. Reconsideration and allowance of the claims are respectfully requested in view of the following remarks.

Claims 1, 4, 8 and 20-22 were rejected under 35 U.S.C. § 103 as being unpatentable over Centner in view of Moskowitz. This rejection is traversed for the following reasons. Embodiments of the invention allow a user to obtain an offer for a sale of a desired product or service using electronic devices. The user transmits signals identifying a desired product or service and then receives a second signal containing an offer to sell the product or service in response.

Claim 1 recites, *inter alia*, "iteratively transmitting a first signal including a first data message using a mobile transceiver device, each first data message having information relating to the desired product or service." The Examiner acknowledged that Centner failed to teach this feature and relies on Moskowitz for allegedly teaching this feature. Applicant submits that it Moskowitz does not teach this feature and would not have been obvious to combine Centner and Moskowitz as proposed by the Examiner.

Centner is directed to submitting RFQs via the Internet using controller 20 that is a personal computer or server (see paragraph [0028]). Centner sends a single RFQ to potential suppliers as described in paragraphs [0038-0039]. Suppliers who wish to bid in response to the RFQ post a bid on the Buyer's website (see paragraph [0039]). The Examiner acknowledges that Centner does not teach iteratively transmitting a first signal having information relating to the desired product or service.

The Examiner relies on Moskowitz for allegedly teaching iteratively transmitting a first signal having information relating to the desired product or service. Applicants respectfully disagree with this interpretation of Moskowitz. In Moskowitz, the periodic signal from the customer to the merchant is a short range identity signal (step 302 of FIG. 3). This short range signal only notifies the merchant that a wireless device is in range. The merchant then sends a menu to the customer and the customer sends a single order to the merchant (see step 310 of FIG. 3, paragraph [0031]). Thus, even in Moskowitz, a single transmission is made from the customer to the merchant to identify desired goods. Moskowitz teaches a single transmission from customer to merchant, not "iteratively

transmitting a first signal including a first data message using a mobile transceiver device, each first data message having information relating to the desired product or service." Thus, even if Centner and Moskowitz are combined, at least these features of claim 1 are not taught as neither Centner nor Moskowitz teaches or suggests "iteratively transmitting a first signal including a first data message using a mobile transceiver device, each first data message having information relating to the desired product or service."

Furthermore, the transmission system of Moskowitz is simply not needed in Centner and thus it would not have been obvious to one of ordinary skill in the art to combine Centner and Moskowitz as proposed by the Examiner. In Centner, the RFQ is sent to a list of preferred suppliers, which may be edited by the user prior to transmission. There is no suggestion that multiple transmissions are needed or would be beneficial. As the controller 20 is fixed in Centner, there is no need to address the roaming buyer as addressed in Moskowitz. Accordingly, there is insufficient motivation to combine Centner and Moskowitz.

For at least the above reasons, claim 1 is patentable over Centner in view of Moskowitz. Claims 4, 8, 21 and 22 variously depend from claim 1 and are patentable over Centner in view of Moskowitz for at least the reasons advanced with reference to claim 1. Claim 20 recites features similar to those discussed above with reference to claim 1 and are patentable over Centner in view of Moskowitz for at least the reasons advanced with reference to claim 1.

Claims 2 and 3 were rejected under U.S.C. § 103 as being unpatentable over Centner in view of Moskowitz and Priceline. This rejection is traversed for the following reasons. Priceline was relied upon for disclosing pricing and expiration date features, but fails to cure the deficiencies of Centner in view of Moskowitz discussed above with reference to claim 1. Claims 2 and 3 depend from claim 1 and are patentable over Centner in view of Moskowitz and Priceline for at least the reasons advanced with reference to claim 1.

Claim 5 was rejected under U.S.C. § 103 as being unpatentable over Centner in view of Moskowitz and Day. This rejection is traversed for the following reasons. Day was relied upon for disclosing an offer expiration date, but fails to cure the deficiencies of Centner in view of Moskowitz discussed above with reference to claim 1. Claim 5 depends from claim

1 and are patentable over Centner in view of Moskowitz and Day for at least the reasons advance with reference to claim 1.

Claims 6 and 9 were rejected under U.S.C. § 103 as being unpatentable over Centner in view of Moskowitz and Joao. This rejection is traversed for the following reasons. Joao was relied upon for disclosing a cellular phone for transmitting and receiving messages, but fails to cure the deficiencies of Centner in view of Moskowitz discussed above with reference to claim 1. Claims 6 and 9 depend from claim 1 and are patentable over Centner in view of Moskowitz and Joao for at least the reasons advance with reference to claim 1.

Claim 7 was rejected under U.S.C. § 103 as being unpatentable over Centner in view of Moskowitz and Covington. This rejection is traversed for the following reasons. Covington was relied upon for disclosing receiving a message at a store location, but fails to cure the deficiencies of Centner in view of Moskowitz discussed above with reference to claim 1. Claim 7 depends from claim 1 and is patentable over Centner in view of Moskowitz and Covington for at least the reasons advance with reference to claim 1.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

If any extensions of time are required under 37 C.F.R. 1.136, Applications hereby petition for such extensions of time and authorize any extension fees to be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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